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Attorney Docket No: AVMX-008/02US

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By: Hanna Hacham 11/13/01
Hanna Hacham

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Vincent J. WACHER, et al.

Serial No.: 09/914,364

Examiner: Not yet assigned

Confirmation No.: 3874

Art Unit: 1614

Filed: August 24, 2001

For: USE OF GALLIC ACID ESTERS TO INCREASE BIOAVAILABILITY OF ORALLY ADMINISTERED PHARMACEUTICAL COMPOUNDS

The Office of Initial Patent Examination's
Customer Service Center
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the Official Filing Receipt received from the Patent and Trademark Office in the above-identified application for which issuance of a corrected filing receipt is respectfully requested.

The errors to be corrected is as follows:

- (1) Please delete under **ATTORNEY DOCKET NO.**

"AUMX-008/02US" and replace with --AVMX-008/02US--.

- (2) Please delete under **Applicant(s)**

"Vincent J.Wacher, San Francisco, AUSTRALIA" and replace with --Vincent J.Wacher, San Francisco, CA--.

- (3) Please delete under **Title**

"Use of gallic acid esters to increase bioavailability of orally administered pharmaceutical compounds" and replace with
--Use of gallic acid esters to increase bioavailability of orally administered pharmaceutical compounds--.

- (4) Please delete under **Domestic Priority data as claimed by applicant**

"THIS APPLICATION IS A 371 OF PCT/US00/05524 03/01/2000" and replace with

--THIS APPLICATION IS A 371 OF PCT/US00/05524 03/01/2000 WHICH IS A CIP OF 09/264,215 03/05/1999, NOW US PAT NO. 6,180,666--.

- (5) Please delete under **Foreign Applications**

"UNITED STATES OF AMERICA 09/264,215 03/05/1999"

A true and correct copies of the Application Transmittal and the Executed Declaration by Inventors are enclosed.

- [X] The correction is required due to Patent Office error, and no fee is believed to be required.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication or credit any overpayment to Deposit Account 03-3117:


- [X] Any national application filing fees under 37 CFR 1.16.
[X] Any patent application processing fees under 37 CFR 1.17.

Dated:

Respectfully submitted,
COOLEY GODWARD LLP

Cooley Godward LLP
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By:


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ML/hh

AKR



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20531
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/914,364	08/24/2001	1614	1040	AUMX-008/02US		30	

23419
COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306



CONFIRMATION NO 874
FILING RECEIPT
OC000000006902227

Date Mailed: 10/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Vincent J. Wachter, San Francisco, AUSTRALIA;
Leslie Z. Benet, Belvedere, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US00/05524 03/01/2000

Foreign Applications

UNITED STATES OF AMERICA 09/264,215 03/05/1999

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

Title

Use of gallic acid esters to increase bioavailability orally administered pharmaceutical compounds

Preliminary Class
514

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**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Attorney Docket No: AVMX-008/02US

Express Mail Label Number: EL514036587US

Date of Deposit: August 24, 2001



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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents and Trademarks, Washington, DC 20231.

Date:

24 Aug 01

By:

Vladimir Skliba

Vladimir Skliba

**TRANSMITTAL LETTER TO THE UNITED STATES
ELECTED OFFICE**

Applicant: Vincent J. WACHER, et al.

International Application No. PCT/US00/05524

Filing Date: March 1, 2000

Title of Invention: USE OF GALLIC ACID ESTERS TO INCREASE
BIOAVAILABILITY OF ORALLY
ADMINISTERED PHARMACEUTICAL
COMPOUNDS

Priority Claimed March 5, 1999

COPY

1. Applicant herewith submits the following items under 35 USC 371 an express request to immediately begin national examination procedures (35 USC 371(f)).
2. Copy of the International application (35 USC 371(c)(2)):
 - ☐ is transmitted herewith.
 - ☒ is not required as the application was filed with the United States Receiving Office.
 - ☐ has been transmitted by the International Bureau. Date of mailing of the application (from form PCT/IB/308) is .
 - ☐ has been transmitted by applicant on .
3. Translation of the international application into the English language (35 USC 371(c)(2)):
 - ☒ is not required as the application was filed in English.
 - ☐ is transmitted herewith.
 - ☐ was previously transmitted by applicant on .

4. Amendments to the claims of the international application under PCT Article 19 (35 USC 371(c)(3)):

- ☐ are transmitted herewith.
- ☐ have been transmitted
 - ☐ by the International Bureau. Date on: .
 - ☐ by applicant on .
- ☒ have not been transmitted as
 - ☐ no notification has been received that the International Search Authority has received the Search Copy.
 - ☐ the Search Copy was received by the International Searching Authority but the Search Report has not yet been issued. Date of Receipt of Search Copy (from form PCT/ISA/202):
 - ☒ applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210): July 12, 2000.
 - ☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

5. Translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)):

- ☐ is transmitted herewith.
- ☐ is not required as the amendments were made in the English language.
- ☒ has not been transmitted for reasons indicated at paragraph 4 above.

6. Executed oath or declaration of the inventor (35 USC 371(c)(4)) complying with 35 USC 115:

- ☐ was previously submitted by applicant on .
- ☒ is submitted herewith and such oath or declaration
 - ☐ is attached to the application.
 - ☒ identifies the application and any amendments under PCT Article 19 which were transmitted as stated above; and states that they were reviewed by the inventor as required by 37 CFR 1.70.

7. International Search Report or Declaration under PCT Article 17(2)(a):

- ☐ is transmitted herewith.
- ☒ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308): September 8, 2000.
- ☐ is not required as the application was searched by the United States International Searching Authority.
- ☐ will be transmitted promptly upon request.
- ☐ has been submitted by applicant on .

- ☐ is not transmitted as the international search has not yet issued.
8. Information Disclosure Statement under 37 CFR 1.97 and 1.98:
- ☐ was previously submitted by applicant on .
☐ is transmitted herewith.
☒ will be transmitted within three months of the date of submission of requirements under 35 USC 371(c).
9. A Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27:
- ☐ is transmitted herewith.
☐ was previously submitted by applicant on .
10. The above checked items are being transmitted:
- ☐ before the publication of the international application.
☐ after publication and the Article 20 communication but before 20 months from the priority date.
☐ after 20 months but before 22 months (surcharge and/or processing fee included).
☐ after 22 months (surcharge and/or processing fee included).
☒ by 30 months and a proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
☐ after 30 months but before 32 months (surcharge and/or processing fee included) and International Preliminary Examination was properly requested.
☐ after 32 months (surcharge and/or processing fee included).
11. Certain requirements under 35 USC 371 were previously submitted by the applicant on namely:
12. Other document(s) or information included:
- ☒ Power of Attorney by Assignee with copy of Assignment.
☒ Preliminary Amendment
13. Fee calculation:
- ☒ Basic National Fee (37 CFR 1.492(a)(1)-(4)):
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(1)) (\$345 or \$690).

- ☐ No international preliminary examination fee paid to USPTO but international search fee paid to USPTO (37 CFR 1.492(a)(2)) (\$355 or \$710).
- ☐ Neither international preliminary examination fee nor international search fee paid to USPTO (37 CFR 1.492(a)(3)) (\$500 or \$1000).
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(4)) and all claims satisfied provisions of PCT Article 33(1) to (4) (\$50 or \$100).
- ☒ Neither international preliminary examination fee nor international search paid to USPTO, but the Search Report was prepared by EPO (37 CFR 1.492(a)(5)) (\$430 or \$860).

Total Basic National Stage Fee

\$860.00

- ☒ Additional U.S. National Fee (35 USC 371(c)(1)) as follows:

FOR:	Claims Filed	Extra Claims ¹	Small Entity Rate	Fee	Other Than a Small Entity Rate	Fee	Total Filing Fee
Total Claims	30	-20=	10	\$9		\$18	\$180.00
Independent Claims	3	-3=	0	\$40		\$80	\$0.00
Multiple Dependent Claims Presented				\$135		\$270	\$0.00
TOTAL							\$180.00

¹ If difference is negative, enter "0".

- ☒ Other fees as follows:

- ☐ Surcharge for furnishing the oath or declaration later than 20 months from any claimed priority date or later than 30 months and International Preliminary Examination was properly requested (37 CFR 1.492(e)).
- ☐ \$65.00 for a small entity
- ☐ \$130.00 for other than a small entity
- ☐ Processing fee of \$130.00 for furnishing the English Translation later than 20/30 months from any claimed priority date (37 CFR 1.492(f)).

TOTAL FEES

\$1,040.00

14. ☒ Payment of Fees

[X] A check in the amount of \$1,040 to cover the above fees is enclosed.

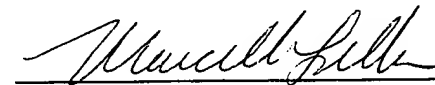
[] Fees will be paid at a later time.

[] The Commissioner is hereby authorized to charge underpayment of required fees under 37 CFR 1.16 or 37 CFR 1.17 associated with this communication or to credit any overpayment to Deposit Account No. 03-3117.

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Respectfully submitted,
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By:



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